



## PLANNING & ZONING REPORT

### Zoning Board of Appeals Meeting of June 22, 2022

File # 029-22

**APPLICANT:** Nicole Lynch

**LOCATION:** 1839 Melrose Street

**REQUESTED ACTION:** A Variation to increase the maximum allowed height of a fence in the front yard from four (4) feet to six (6) feet along Camlin Avenue in an R-1, Single-family Residential Zoning District.

**EXISTING USE:** Single-family residence

**PROPOSED USE:** Single-family residence

**DIMENSIONS:** 50 feet by 100 feet

**SQUARE FOOTAGE:** 5,000 sq. ft.

#### ADJACENT ZONING AND LAND USES:

NORTH:	R-1	Single-family residences
EAST:	R-1	Single-family residences
SOUTH:	R-1	Single-family residences
WEST:	R-1	Single-family residences

**YEAR 2020 PLAN:** RL Light Residential

**SOILS REPORT:** 22-54: By considering the current zoning, current land use, Geographical Information Systems maps, and requested Variance the Winnebago Soil and Water Conservation District has determined that the proposed increase in fence height (from 4' to 6') will have no significant impact on the natural resources on the property or surrounding area. Any supporting maps or information are available upon request at the SWCD office (additional fees may apply)

#### Rusty Patch Bumble Bee

The U.S. Fish and Wildlife Service listed the rusty patched bumble bee as endangered under the Endangered Species Act. Endangered species are animals and plants that are in danger of becoming extinct. The rusty patch bumble bee is a pollinator that lives in prairies and grasslands which are one of the last species to go into hibernation. They need areas that provide nectar and pollen from flowers, nesting sites (underground), and overwintering sites for hibernating queens (undisturbed soil). Many factors have led to the rust patch bumble bee becoming an endangered species. Most of prairies and grasslands of the Upper Midwest and Northeast have been converted to monoculture farms or developed areas, such as cities and roads. Grasslands that remain tend to be small and isolated. Increases in farm size and technology advances improved the operating efficiency of farms but have led

to practices that harm bumble bees, including increased use of pesticides, loss of crop diversity which results in flowering crops being available for only a short time, loss of hedgerows and the flowers that grew there, and loss of legume pastures. There are numerous programs, research, and groups working towards helping the rusty patch bumble bee. Some things you can do to help include having flowering plants, providing natural areas with native plants, and minimize the use of pesticides and chemical fertilizer.

For more information, visit:

<https://www.fws.gov/midwest/endangered/insects/rpbb/factsheetrpbb.html>

**Watershed Impacts:** The project area is located in the Spring Creek-Rock Creek watershed and does not have any off-site contributory flow going through the area. Increased stormwater runoff from the site, and soil that erodes from the site, can degrade the water quality of the watershed and the downstream environment.

**Floodplain Review:** FEMA's National Flood Hazard Layer shows there are no floodplains within the boundary of the proposed project area. There is a floodplain southeast of PIQ

**Geologic Information:** This site has the Ordovician — Ancell bedrock formation, which is predicted to be between 50 and 100 feet below the land surface.

#### Native Plantings

Native plants like grasses and flowers provide critical habitat for many key species like the Rusty Patch Bumble Bee and Monarch Butterflies. These deep-rooted native species are preferred because of their abilities to enhance soil permeability and pollutant filtering and their reduced needs for fertilizer, herbicides, irrigation, and mowing. Unfortunately, loss and degradation due to the development of the land and an invasion of exotic species is a serious problem in Illinois.

#### HISTORY:

**File #024-19:** A Variation to increase the maximum allowed fence height in the front yard along Cottage Grove Avenue from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District was approved June 5, 2019 for 2304 Harlem Boulevard. This property is located five (5) blocks northeast of the subject property.

**File #035-18:** A Variation to allow chain-link fence material in the front yards along Camlin Avenue and Logan Street and a Variation to increase the maximum allowed fence height from 4 feet to 6 feet in the front yards along Camlin Avenue and Logan Street in an R-2, Two-family Zoning District was approved on November 17, 2018 for the property located at 821 Camlin Avenue. This property is located three (3) blocks east of the subject property.

**REVIEW COMMENTS:** The Applicant is requesting a Variation to increase the maximum allowed height of a fence in the front yard from four (4) feet to six (6) feet along Camlin Avenue in an R-1, Single-family Residential Zoning District. Exhibit A shows that the subject property is located on the southeast corner

of the Camlin Avenue and Melrose Street intersection. The subject property is surrounded by residential uses (Exhibits B & C).

The Applicant, Nicole Lynch, is requesting a Variation to accommodate an existing wood privacy fence six (6) feet in height in the front yard of Camlin Avenue that was installed without an approved Fence Permit. The Zoning Ordinance defines a front yard as “any yard adjoining a street shall be considered a front yard and shall meet the required setback for the respective district in which it is located”. The Applicant is requesting to increase the front yard height of the fence from the required four (4) feet to six (6) feet along Camlin Avenue.

Exhibit D is the site plan showing how the subject property has two (2) front yards because it borders Camlin Avenue to the north and Melrose Street to the west. The subject property consists of a single family home with a detached garage. Additionally, Exhibit D shows the fence will be located in the front yard along Camlin Avenue and attaches to both residence and the neighbors fence.

Illinois State Law requires that in order for a Variation to be granted hardship must be proven by positive Finding of Fact. Exhibit E is a Hardship Letter submitted by the Applicant. The Applicant states, “I believe my application for a zoning variance meets all of the Findings of Fact and previously I had a 3.5 ft. picket fence in my backyard” (Exhibit E). Within Exhibit E, the Applicant explains, “last summer I removed the picket fence and installed a 5.5 ft. privacy fence in the back yard and when installing the privacy fence I did not realize that I needed to submit for a permit as I was thinking it was updating the existing fence”. The Applicant states, “I would have gone through the process then if I would have realized and since I have a corner lot, I have to apply for a variance which I now understand after speaking with City staff” (Exhibit E). The Applicant states, “the reason for the privacy fence is that there are many people that walk in the neighborhood often down Camlin, where my privacy fence is facing and people often walk to get to the city bus routes as well. The Applicant explains, “while I love that people get out and enjoy the neighborhood, I was never able to have privacy with sitting on my back patio or even eating in my backyard on a nice day or night, and the privacy fence that was installed does not obstruct the view of the corner or the alley” (Exhibit E).

Staff does not oppose the Applicant’s desire to have privacy; however, a viable hardship has not been provided. Staff feels that a four (4) foot privacy fence is appropriate for the area or the Applicant could install a 6-foot tall fence at the established setback with the residence.

Staff is of the opinion that the Applicant’s request does not satisfy the requirements of the Zoning Ordinance and Staff recommends denial of this request.

**RECOMMENDATION:** Staff recommends **DENIAL** of a Variation to increase the maximum allowed height of a fence in the front yard from four (4) feet to six (6) feet along Camlin Avenue in an R-1, Single-family Residential Zoning District.

**FINDINGS OF FACT FOR DENIAL OF A VARIATION  
TO INCREASE THE MAXIMUM ALLOWED HEIGHT OF A FENCE IN THE FRONT YARD  
FROM FOUR (4) FEET TO SIX (6) FEET ALONG CAMLIN AVENUE  
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT  
LOCATED AT 1839 MELROSE STREET**

**Denial** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

Exhibit A  
1839 Melrose Street  
VAR  
#029-22





Exhibit B  
1839 Melrose Street  
VAR  
#029-22

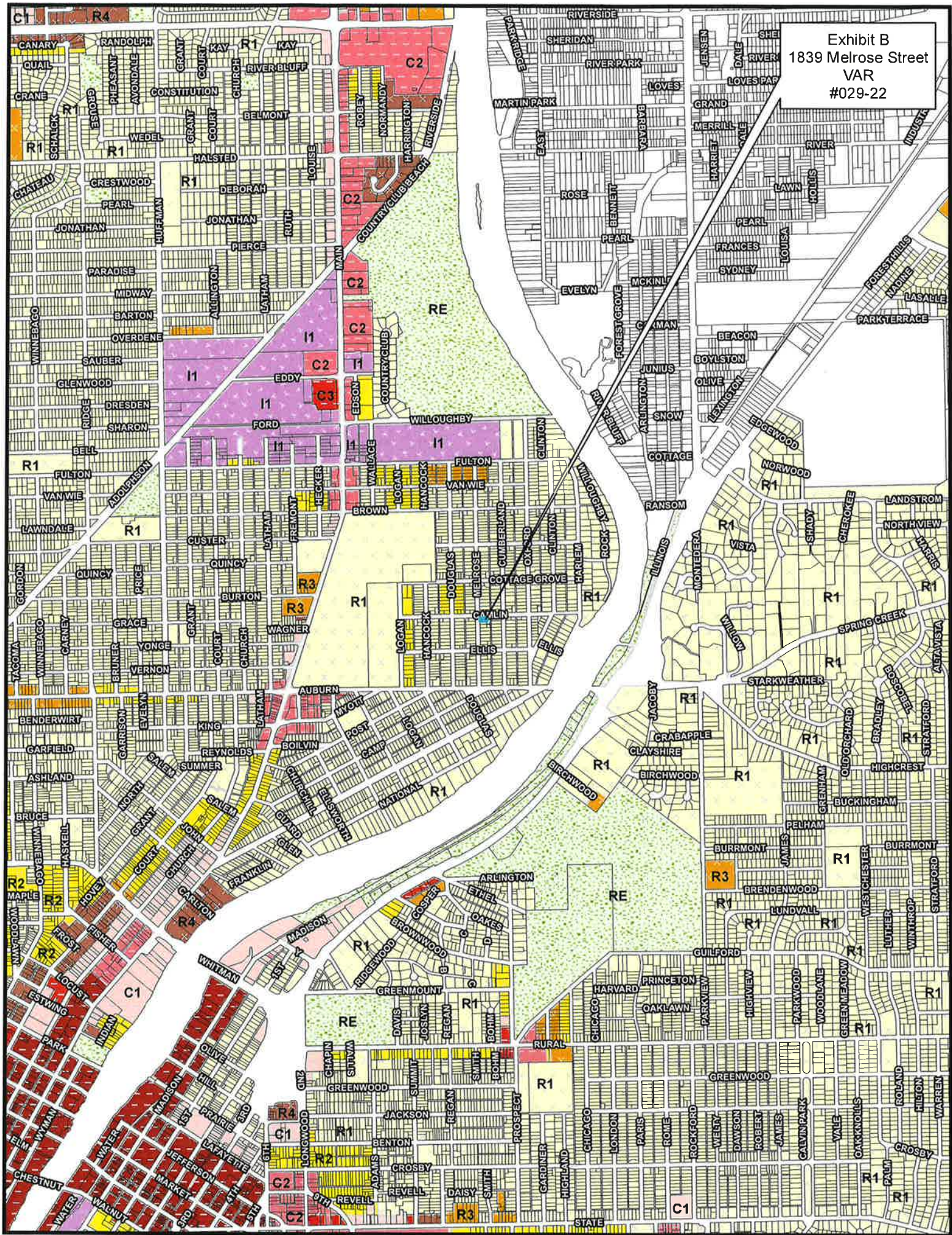
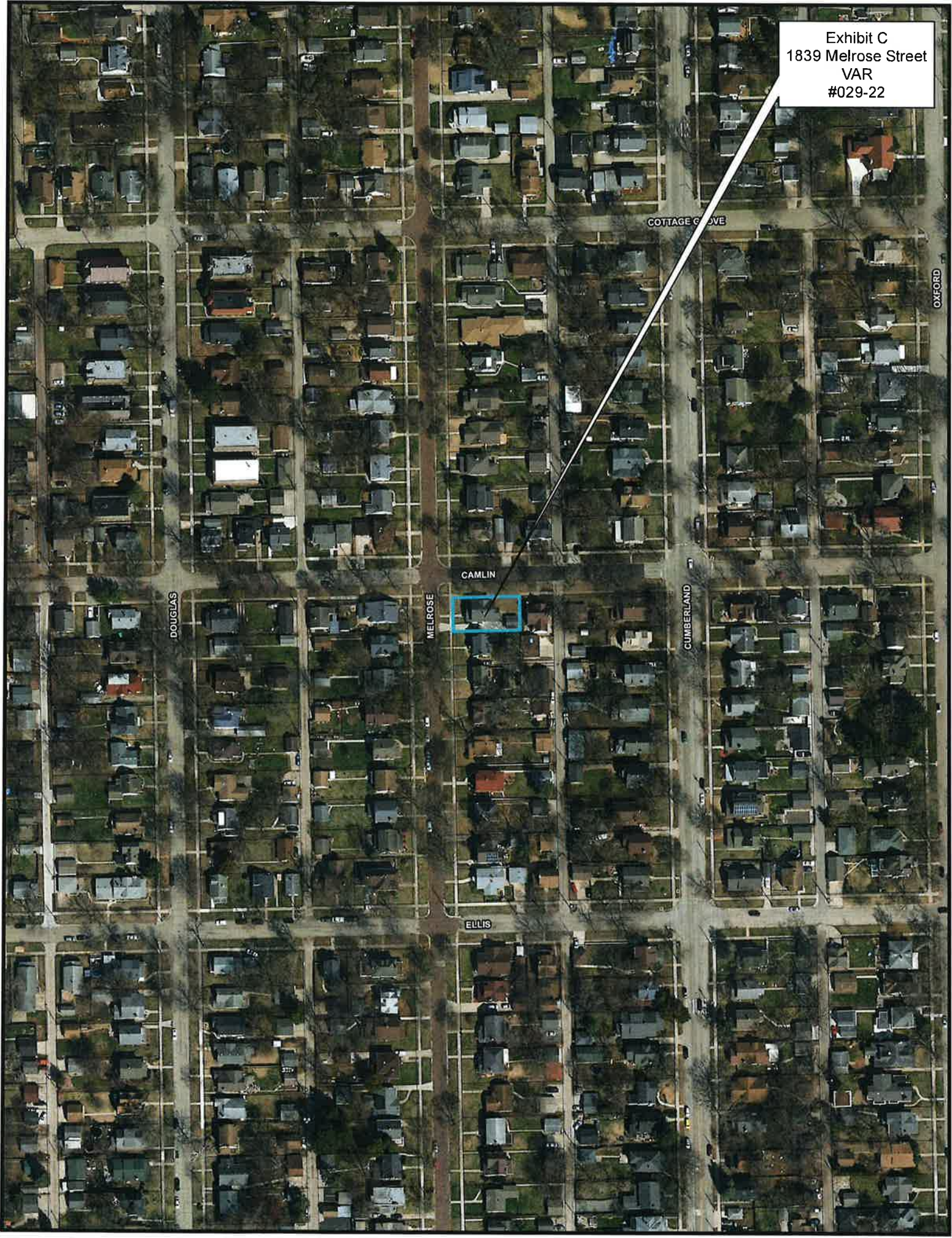
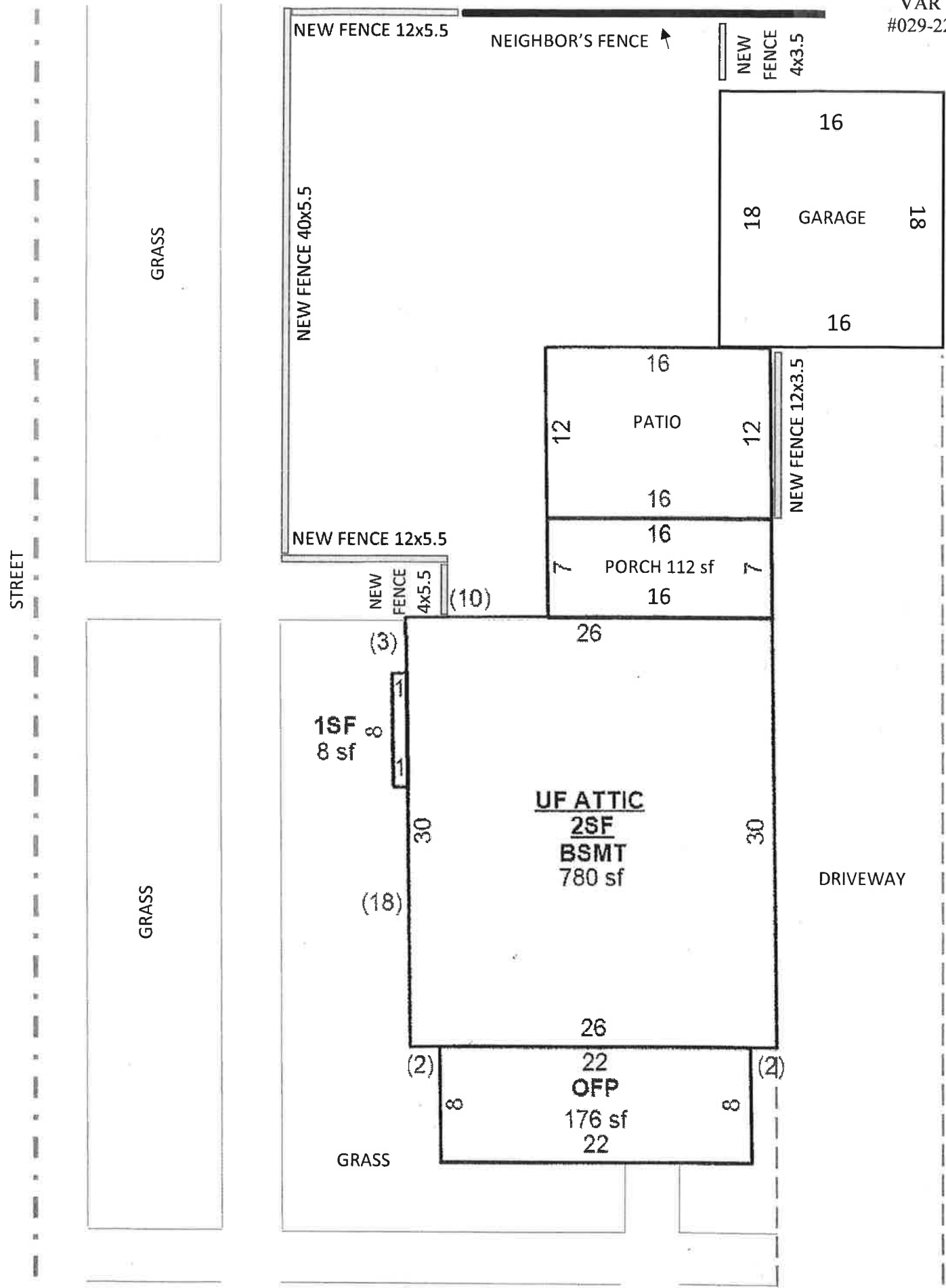




Exhibit C  
1839 Melrose Street  
VAR  
#029-22









I believe my application for a zoning variance meets all of the Findings of Fact. Previously I had a 3.5 ft picket fence in my backyard. Last summer I removed the picket fence and installed a 5.5 privacy fence in the back yard. When installing the privacy fence I did not realize that I needed to submit for a permit as I was thinking it was updating the existing fence. I would have gone through the process then if I would have realized. Since I have a corner lot, I have to apply for a variance which I now understand after speaking with City staff. The reason for the privacy fence is that there are many people that walk in the neighborhood and often down Camlin, where my privacy fence is facing. People often walk to get to the city bus routes as well. While I love that people get out and enjoy the neighborhood, I was never able to have privacy with sitting on my back patio or even eating in my backyard on a nice day or night. The privacy fence that was installed does not obstruct the view of the corner or the alley.